

Ethics and Contractor Employees

PCIE/ECIE Training Conference

Adapting to Change

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Ethics in Government and the Role of Contractor Employees

Government Ethics: System of laws and rules to make sure that Government employees are accountable for the trust placed in them

Contractor Employees: Mainly accountable to their private employers

Concern: Without eroding fundamental distinction between Government employees and contractor employees, need to recognize potential for conflicting interests of contractor employees

Vulnerable Situations

- Services contracts
- Close interaction between contractor and Government personnel
- Government accustomed to relying on Federal personnel for similar services

Specific Types of Contracts Where Ethics Issues Arise

- Advisory services contracts
- Management and Operation contracts
- Post-outsourcing (e.g., A-76) contracts
- Large indefinite delivery contracts involving task orders

Examples of Types of Conflicts

- Financial Conflicts of Interest
- Impartiality Concerns
- Misuse of Information
- Misuse of Authority (Actual or Apparent)
- Misuse of Government Property

Possible Remedies

Organizational Conflict of Interest:

- Awareness of possible uses of FAR subpart 9.5
- Agency FAR supplement option
- Consider changes to subpart 9.5

Possible Remedies

Contract Clauses:

Model clauses developed by agencies to deal with different conflict situations

Possible Remedies

Education:

- Draw attention to need to consider issues of contractor employee conflicts
- Address both Government contracting officials and contractor ethics programs

Possible Remedies

Compliance:

Need for monitoring and/or other
compliance measures

Conclusion

Possible Role for the IG community?